



Sen. Laura Fine

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LRB103 39458 RLC 70739 a

1 AMENDMENT TO SENATE BILL 3753

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3753 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by adding Section  
6 8.1 as follows:

7 (20 ILCS 1705/8.1 new)

8 Sec. 8.1. Admission to State-operated facilities for  
9 persons with developmental disabilities.

10 (a) Any individual admitted to a State-operated facility  
11 for persons with developmental disabilities must meet the  
12 following criteria in order to be approved for admission:

13 (1) the individual must have received or attempted to  
14 receive community-based services and supports;

15 (2) the individual must meet the intermediate care  
16 facility level of care definition; and

1           (3) the individual must meet all clinical eligibility  
2           requirements.

3           (b) Upon admission to a State-operated facility for  
4           persons with developmental disabilities, the facility shall  
5           complete at least annual reviews of a person's clinical need  
6           for continued services to determine if needs are able to be met  
7           in a less restrictive setting. Comprehensive and integrated  
8           assessments shall be used to assist in determining the level  
9           of care and services most appropriate to meet the individual's  
10           needs.

11           (c) All individuals shall have the right to know their  
12           options for supports and shall be provided the opportunity to  
13           learn about the full spectrum of care, including the range of  
14           possible living environments available through State-operated  
15           facilities, case management agencies, or both. If an  
16           individual indicates that the individual would like to move to  
17           a less restrictive environment, activities to explore and take  
18           steps regarding the range of options shall be provided. The  
19           interdisciplinary team shall assist the individual and  
20           guardian, if applicable, to identify placements that are able  
21           to meet the individual's needs, excluding when there are  
22           severe safety concerns identified by the interdisciplinary  
23           team that cannot be easily mitigated with interventions that  
24           are commonly used in the community.

25           (d) An individual's support plan shall provide services to  
26           address those identified needs when the individual no longer

1 is clinically determined to be a risk. Thoughtful transition  
2 planning shall take place to assist with finding a less  
3 restrictive environment of the individual's choosing.

4 Section 10. The Mental Health and Developmental  
5 Disabilities Code is amended by adding Article VII to Chapter  
6 IV as follows:

7 (405 ILCS 5/Ch. IV Art. VII heading new)

8 ARTICLE VII. SERVICE PROVIDER SANCTIONS

9 (405 ILCS 5/4-7.100 new)

10 Sec. 4-7.100. Provider sanctions and fair hearings. The  
11 Department of Human Services may impose progressive sanctions  
12 on providers that fail to comply with conditions specified by  
13 rule, contract, or policy as determined by the Department.  
14 Sanctions include, but are not limited to, payment suspension,  
15 loss of payment, enrollment limitations, including admission  
16 holds, removal of individuals currently served, or other  
17 actions up to and including contract termination,  
18 certification revocation, or licensure revocation. In  
19 situations where a recipient of services is placed at imminent  
20 risk of harm, steps to ensure the safety of individuals and any  
21 provider sanctions shall be taken expeditiously and not  
22 progressively. A service provider receiving a sanction may  
23 appeal the sanction in writing to the Department of Human

1 Services within 30 days after receipt of the sanction. The  
2 Department shall adopt rules as necessary to implement this  
3 Section.

4 (405 ILCS 5/7-101 new)

5 Sec. 7-101. Provider appeals and fair hearings. After an  
6 informal review of a discharge by the Department of Human  
7 Services, a provider may appeal the decision to the Department  
8 of Healthcare and Family Services. The appeal must be received  
9 within 10 working days after the provider receives the written  
10 notification, following the informal review decision from the  
11 Department. The Department shall adopt rules as necessary to  
12 implement this Section."